



2026:AHC:57633

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9481 of 2026

Rahmat Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Karunesh Pratap Singh
Counsel for Opposite Party(s)	:	G.A., Neeraj Singh

Court No. - 66
(Sr. No.2 out of 143)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Karunesh Pratap Singh, learned counsel for the applicant and Sri Neeraj Singh, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No.684 of 2025, under Sections 103(2), 142, 308(5), 3(5), 119, 123, 61(2) BNS, Police Station Khorabar, District Gorakhpur, during the pendency of trial.

PROSECUTION STORY:

4. The FIR was instituted by the informant against nine named accused persons and 3-4 unknown persons by moving an application U/s 173(4) BNSS on 16.8.2025.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence.
6. The FIR itself is delayed by more than three months and there is no explanation of the said delay caused. Even the application U/s 173(4) BNSS was moved belatedly after a delay of more than one month and there is no compliance of mandatory provisions of BNSS.

7. The dead body of the deceased person was received on 8.7.2025 by the police and the dead body was brought by Parvej Khan. The said fact that dead body was brought by Parvej Khan stands mentioned in the inquest report.

8. The informant has nothing to do with the said incident. She had matrimonial dispute with the applicant.

9. The applicant is not named in the FIR and his name has come up subsequently in the statement of father and mother of the deceased person that too after a delay of about four and a half months to the incident. The said statements of the father and mother of the deceased person were recorded on 25.11.2025.

10. It is true that an amount of Rs.15 lakh was transferred from the account of the deceased person to that of the applicant about one week before the incident.

11. The applicant has no criminal history and is in jail since 30.1.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

12. The bail application has been opposed on the ground that the deceased was rushed to hospital by the informant herself and she tried very best to save his life, but he subsequently expired during treatment.

13. The applicant is a member of larger network, in which the property of the deceased person was usurped by the applicant and other accused persons.

14. Earlier on, two civil suites were filed by the father of the deceased person against the deceased person for permanent injunction and the suit no.469 of 2025 filed before the Civil Judge (Senior Division), Court No.18, Deoria in paragraph-5 mentions the reference to a Civil Suit No.209 of 2023, in which the permanent injunction was also sought by the informant.

15. The said suit no.209 of 2023 was instituted two years before the incident, as such, the applicant is not entitled to bail.

16. In rebuttal, learned counsel for the applicant has stated that the suit no.469 of 2025 before the Civil Judge (Senior Division), Court No.18, Deoria was filed on 11.8.2025, i.e. much after the death of the deceased person and the another suit no.1502 of 2025 before the Civil Judge (Junior Division), Court No.10, Deoria was filed on 14.8.2025 that too was also filed after the incident, as such, it is a clear cut case of false implication of the applicant. The instant FIR has been instituted with *mala fide* intention.

CONCLUSION:

17. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*," gives rise to the concept of bail as a rule and imprisonment as an exception.

18. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been recapitulated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and Ors., 2022 INSC 690***.

19. Reiterating the aforesaid view the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement 2024 INSC 595*** has again emphasised that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

20. Learned A.G.A. could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

21. It is settled principle of law that the object of bail is to secure the attendance of the accused at the trial. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned

A.G.A..

22. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in institution of FIR and even the delay of one month in filing the application U/s 173(4) BNSS coupled by the fact that applicant was not named in the FIR and his name has come up about four and a half months after the incident, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

23. Let the applicant- **Rahmat Ali**, be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

24. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

March 20, 2026

Vikas Verma